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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

KENNETH LA,

Defendant.

CR 16-497-KAW

STIPULATION AND ~~PROPOSED~~ ORDER
PERMITTING DEFENDANT TO
WITHDRAW HIS GUILTY PLEA

Date: September 8, 2017
Time: 9:30 a.m.

On December 6, 2016, Mr. La was charged in an information with a misdemeanor violation of 18 U.S.C. § 1701, obstruction of mail. *See* Dkt. 1. Mr. La pleaded guilty to the charge on January 31, 2017 pursuant to a plea agreement with the government. *See* Dkt. 6. Under the terms of his plea agreement, if Mr. La complied with the terms of his plea agreement and completed 25 hours of community service for six months from the date of his guilty plea, the government will permit Mr. La to withdraw his guilty plea under Federal Rule of Criminal Procedure 11(d)(2)(B) and the government will move to dismiss the information under Federal Rule of Criminal Procedure 48(a). *See* Dkt. 8, p. 4, ¶ 14. It has been six months since the entry of Mr. La's plea and he has complied with the terms of his plea agreement and completed his community service hours.

The parties therefore stipulate and agree that Mr. La's guilty plea can be withdrawn under Federal Rule of Criminal Procedure 11(d)(2)(B) for a fair and just reason. The government will move separately to dismiss the information without prejudice once the Court permits Mr. La to withdraw his

1 guilty plea.

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3 DATED: July 31, 2017

/s/
HANNI M. FAKHOURY
Assistant Federal Public Defender

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5 DATED: July 31, 2017


/s/
PHILIP KOPCZYNSKI
Assistant United States Attorney

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9 **PROPOSED ORDER**

10 Pursuant to the parties' stipulation, and pursuant to Federal Rule of Criminal Procedure
11 11(d)(2)(B), IT IS HEREBY ORDERED that Mr. La's guilty plea is withdrawn due to fair and just
12 reasons. The sentencing hearing scheduled for September 8, 2017 is vacated.

13 **IT IS SO ORDERED.**

14
15 DATED: July 31, 2017


HONORABLE KANDIS A. WESTMORE
United States Magistrate Judge